


1168227 - R8 SDMS

Fw: United Park City Mines - Silver Maple Claims Site
khernandez2
to:
Mia Bearley
07/13/2010 09:01 AM
Please respond to khernandez2
Show Details

1 Attachment



UPCM correspondence 7-13-10.pdf

Sent from my Verizon Wireless BlackBerry

From: "Padgett, Casey" <Casey.Padgett@sol.doi.gov>
Date: Tue, 13 Jul 2010 09:40:28 -0400
To: 'kmurray@chapman.com' <kmurray@chapman.com>
Cc: Carpenter, Glenn <Glenn_Carpenter@blm.gov>; Wegrzyn, John <john_wegrzyn@fws.gov>; Isanhart, John <john_isanhart@fws.gov>; <hernandez.kathryn@epa.gov>; Morley, Christopher <christopher.morley@sol.doi.gov>; Jacobsen, Dana <Dana.Jacobsen@sol.doi.gov>
Subject: United Park City Mines - Silver Maple Claims Site

Dear Mr. Murray:

Attached please find correspondence from the Office of the Solicitor, Department of the Interior to you regarding United Park City Mines' (UPCM) responsibility for the Silver Maple Claims site on the Middle Reach of Silver Creek near Park City, Utah. The Department, Bureau of Land Management, Fish and Wildlife Service, and U.S. Environmental Protection Agency request a meeting with representatives of UPCM and Talisker Corporation in Denver on July 28 or July 30. It is our hope that you and your clients can accommodate this request.

I look forward to discussing this matter with you at your earliest convenience. Thanks.

Casey S. Padgett, Assistant Solicitor
Branch of Environmental Compliance and Response
Office of the Solicitor, Department of the Interior
(202) 208-4125 (phone)
(202) 219-1792 (fax)

NOTICE: This electronic mail message, including any attachments, is intended for the use of the individual or entity to which it is addressed. It may contain information that is privileged, confidential, or otherwise protected by applicable law. If you are not the intended recipient, or received this message in error, you are hereby notified that any dissemination, distribution, or other use of this message or its contents is strictly prohibited. If you received this message in error, please notify the sender immediately and destroy all copies.



United States Department of the Interior

OFFICE OF THE SOLICITOR

Washington, D.C. 20240

IN REPLY REFER TO:

July 13, 2010

Mr. Kevin Murray, Esq.
Chapman and Cutler, LLP
201 South Main Street
Salt Lake City, UT 84111

SENT VIA EMAIL

Re: Silver Maple Claims Site CERCLA Response Action

Dear Mr. Murray:

I am writing on behalf of the Bureau of Land Management (BLM) and U.S. Fish and Wildlife Service (FWS) to invite you and representatives of United Park City Mines (UPCM) and Talisker Corporation to meet with BLM, FWS, Department of the Interior (Department), and Environmental Protection Agency (EPA) representatives to discuss UPCM's role in planned response actions to be taken to address hazardous substances located on the Silver Maple Claims Site within the Middle Reach of Silver Creek near Park City, Utah ("Site").

The BLM has elevated this matter to the Department and the Office of the Solicitor for resolution. Based on information reviewed by this Office, some or all of the hazardous substances located on the Site are present as a result of decades of mining and milling operations, which resulted in the disposal of hazardous substances on the Site and which were conducted by UPCM's predecessors-in-interest including, without limitation, the Silver King Coalition Mines Company and the Park Utah Consolidated Mines Company, as well as the scores of mining companies that these UPCM predecessors acquired. Accordingly, pursuant to Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §9607, UPCM is jointly and severally liable for all costs incurred by the United States to respond to the release or substantial threat of release of hazardous substances on or from the Site.

The President has delegated response action authority under Section 104 of CERCLA to the Department with respect to any release or threatened release of a hazardous substance on or from land under the Department's jurisdiction; custody, or control. The Department, and specifically the BLM, has jurisdiction, custody or control of the Site and has taken, and intends to take, response action pursuant to CERCLA to address risks to human health and the environment posed by Site conditions. To date, the BLM has incurred approximately \$183,688 to conduct a Removal Site Evaluation and other response actions pursuant to the authority of Section 104(b) of CERCLA to investigate releases or threatened releases at the Site. This statement of expenditures is preliminary and does not limit BLM from providing revised figures to the extent that additional past costs are identified. Going forward, the BLM intends to conduct, or oversee, an Engineering Evaluation/Cost Analysis (EE/CA) after which a non-time critical removal action will be selected and implemented to protect public health, welfare, and the environment from Site hazardous substances.

Mr. Kevin Murray, Esq.
July 13, 2010
Page Two

The Department and BLM are prepared to explore with representatives of UPCM and Talisker UPCM's willingness to agree to perform some or all of this planned response action at the Site. The implementation of this response action by UPCM would be subject to the BLM's oversight and approval and in accordance with the terms of an Administrative Consent Agreement issued pursuant to Sections 104 and 122 of CERCLA. In addition, the Department and FWS are prepared to explore with UPCM and Talisker opportunities for integrating Site response actions with natural resources restoration activities underway or contemplated for the watershed. Finally, to help ensure that Site response actions and natural resource restoration activities are coordinated with other response actions underway or anticipated for Silver Creek, the BLM and FWS have asked that EPA participate in exploring these matters as well.

To accelerate discussions in this regard, representatives of the Department, BLM, FWS, and EPA are available to meet with you and your clients in Denver on Wednesday, July 28 or Friday, July 30. It is our hope that UPCM and Talisker will be prepared to make decisions soon thereafter regarding the companies' willingness to perform Site response action so that the investigation and cleanup of the Site can move forward expeditiously. Glenn Carpenter from the BLM and John Isanhart from FWS will be contacting Kerry Gee of UPCM in the near future to confirm the availability of UPCM and Talisker representatives for such a meeting. In the interim, if you would like to discuss this matter further, please feel free to contact me at 202-208-4125 or via email at casey.padgett@sol.doi.gov.

Sincerely,



Casey S. Padgett
Assistant Solicitor
Environmental Compliance and Response Branch

Cc: Glenn Carpenter, BLM
John Wegryzen, FWS
John Isanhart, FWS
Kathryn Hernandez, EPA
Chris Morley, Esq., SOL
Dana Jacobsen, Esq., SOL



Fwd: United Park City Mines - Silver Maple Claims Site
Kevin Murray to: Mia Bearley

07/20/2010 05:07 PM

From: Kevin Murray <kmurray@chapman.com>
To: Mia Bearley/R8/USEPA/US@EPA

1 attachment



2846703.pdf

I am forwarding this to you out of courtesy, I am sure Kathy has briefed you, and she was copied on the original letter from Casey, but I thought you should have a copy of our response letter.

regards,
Kevin

Kevin R. Murray
Chapman and Cutler LLP
Chicago Direct 312-917-7654
Salt Lake City Direct 801-320-6754
Mobile 801-209-9255
kmurray@chapman.com

Begin forwarded message:

From: Kevin Murray <kmurray@chapman.com>
Date: July 20, 2010 3:16:23 PM MDT
To: "Padgett, Casey" <Casey.Padgett@sol.doi.gov>
Cc: "Kerry C. Gee" <kcgee@unitedpark.com>, "Carpenter, Glenn" <Glenn_Carpenter@blm.gov>, "Wegrzyn, John" <john_wegrzyn@fws.gov>, John Isanhart <john_isanhart@fws.gov>, hernandez.kathryn@epa.gov, "Morley, Christopher" <christopher.morley@sol.doi.gov>, Dana Jacobsen <Dana.Jacobsen@sol.doi.gov>
Subject: Re: United Park City Mines - Silver Maple Claims Site

Dear Mr. Padgett

Attached please find a letter in response to your July 13, 2010 letter inviting United Park to discuss the Silver Maple Claims Site CERCLA Response Action. As we have discussed, we are not available July 28-30, but we are available August 3 or 4.

regards,

Kevin

Kevin R. Murray
Chapman and Cutler LLP
Chicago Direct 312-917-7654
Salt Lake City Direct 801-320-6754
Mobile 801-209-9255
kmurray@chapman.com

July 20, 2010

Casey S. Padgett
Assistant Solicitor
Env'l Compliance and Response Branch
United States Dept. of the Interior
Office of the Solicitor
1849 C Street, N.W. MS #5530
Washington, DC 20240

Re: Silver Maple Claims Site CERCLA Response Action

Dear Mr. Padgett:

I am in receipt of your letter dated July 13, 2010 requesting that United Park City Mines Company (UPCM) engage in discussions with the Bureau of Land Management (BLM), the Department of the Interior (DOI), the Environmental Protection Agency (EPA), and the U.S. Fish and Wildlife Service (FWS) regarding a proposed engineering evaluation/cost analysis (EE/CA) and non-time critical removal action for the Silver Maple Claims site (the "Site") near Park City, Utah.

In your letter you indicated that, based on information reviewed by your office, some or all of the hazardous substances located on the site are present as a result of mining and milling operations conducted by UPCM and its predecessors in interest including, without limitation, the Silver King Coalition Mines Company and the Park Utah Consolidated Mines Company as well as other predecessor companies. UPCM is interested in reviewing your information identifying parties potentially responsible for the material on the Site, but disagrees with any position that UPCM or its predecessors are jointly and severally responsible for the material.

Based on a review completed by UPCM, neither UPCM nor any of its predecessors owned or operated any of the mining or milling facilities that generated tailings on the Site. Moreover, UPCM and its predecessors did not own or operate any facilities on the neighboring Prospector Square. The entities involved in those operations are unrelated to UPCM, and any liability that UPCM may have is severable and subject to apportionment under Burlington Northern and Santa Fe Railway Co. v. United States, 129 S. Ct. 1870 (2009). Nevertheless, we are willing to meet with you to discuss the planned response action at this site. As I have noted in my email correspondence, we are unavailable July 28th and 30th, but would be available the week of August 2nd.

Chapman and Cutler LLP

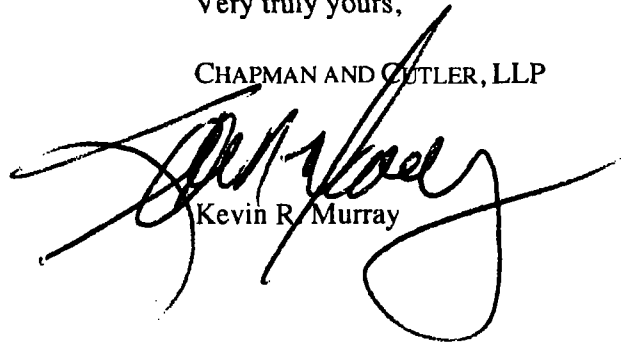
Casey S. Padgett
July 20, 2010
Page 2 of 2

Finally, I note that your letter also refers to Talisker and requests that Talisker representatives also meet with the assembled group. Please be aware that Talisker is an entity separate and apart from UPCM, and it is therefore not appropriate to include Talisker in this discussion.

I am happy to discuss this matter with you further. Please contact me to discuss available dates for a meeting in Denver.

Very truly yours,

CHAPMAN AND CUTLER, LLP



Kevin R. Murray

KRM/ju

cc: Kerry Gee, UPCM
Glenn Carpenter, BLM
John Isanhart, FWS
Kathryn Hernandez, EPA
Chris Morley, Esq., SOL
Dana Jacobsen, Esq., SOL